

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Shanita B. Akintonde,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Case No. 13-cv-804
	)	
Toyota Motor North America Inc.,	)	
Toyota Motor Engineering and	)	Judge Robert W. Gettleman
Manufacturing North America, Inc.	)	
Toyota Motor Sales, U.S.A., Inc., and	)	
Toyota Motor Corporation,	)	
	)	
Defendants.	)	

**PLAINTIFF'S MOTION TO DISMISS PURSUANT TO FRCP 41**

**NOW COMES** Plaintiff Shanita B. Akintonde, by and through her attorney Keenan J. Saulter of Saulter Tarver LLP and for her Motion to Dismiss Pursuant to FRCP 41 states as follows:

1. During the last status conference, this Court ordered that Plaintiff filed her proposed Amended Complaint by June 10, 2013.
2. On June 10, 2013 Plaintiff filed a Motion to Extend the Time for Filing until today, June 12, 2013.
3. After further review, research and contemplation, Plaintiff has determined that it is unable to proceed with these claims and instead wishes to dismiss her claims.
4. Federal Rule of Civil Procedure 41 states in relevant part:

(a) Voluntary Dismissal.

(1) By the Plaintiff.

(A) Without a Court Order. Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

(ii) a stipulation of dismissal signed by all parties who have appeared.

5. Because none of the Defendants in this matter have served neither an answer nor a motion for summary judgment; Plaintiff's Motion should be granted without order of this Court.

6. While Defendants have no right to oppose this motion, even if they did Plaintiff asserts that none of the Defendants will be prejudiced by this Court granting Plaintiffs' Motion for Extension of Time.

**WHEREFORE** for the reasons stated herein, Plaintiff respectfully requests that this Court grant her Motion to Dismiss Pursuant to FRCP 41 and any other such relief as this Court may deem just and proper.

Respectfully Submitted,

By: s/ Keenan J. Saulter

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**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that the attached document:  
**Motion to Dismiss Pursuant to FRCP 41** was served on June 12, 2013, in accordance with Fed. R. Civ. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the District Court's system as to ECF filers.

By: /s/ Keenan J. Saulter  
Attorney for Plaintiff

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